



MEMORANDUM

April 27, 2017

TO: Board of Supervisors' Transportation/Planning Committee

FROM: Medical Cannabis Interdepartmental Work Group

MEETING DATE: May 1, 2017

SUBJECT: Draft Medical Cannabis Dispensary and Cultivation Ordinances

BACKGROUND

The Board of Supervisors considered the proposed Medical Cannabis Dispensary and Cultivation Ordinances at the April 25, 2017 Board Planning meeting. The Supervisors referred the ordinances back to the Transportation and Planning Committee for consideration of comments received recommending changes to the ordinances.

DISCUSSION/SUMMARY

At the April 25th Board Planning meeting Supervisors provided the following direction to staff:

Cultivation Ordinance

- Sections 6.106.050, 6.106.060, & 6.106.070 – The proposed cultivation ordinance would allow a maximum of four medical cannabis cultivation sites in the unincorporated area:
 - Up to two permitted dispensaries in good standing will be eligible for a ministerial cultivation permit.
 - Up to two cultivators may be selected through a solicitation process similar to that being used for new dispensaries.

The permitting processes for all four cultivation sites should take place at the same time; and preference in the selection process for the cultivation sites not associated with the existing dispensaries should be given to long-term Alameda County property owners.

- Provide information on hoop houses for consideration by the Committee.

- Consult with the County Fire Department regarding the need for sprinklers for fire suppression in greenhouses and the effect of light deprivation tarps on the effectiveness of sprinklers. Explore occupancy types in buildings with more than one function.
- Sections 6.106.050 & 6.106.060 – Remove any extraneous references to “vertically integrated operations.”
- Sections 6.106.050.A.1 & 6.106.080.A.2 – Address concern that social security numbers on applications could be subject to disclosure pursuant to the California Public Records Act.
- Section 6.106.050.C – Remove references to the California Public Records Act.
- Sections 6.106.060.A.3 & 6.106.100.A.1 – Change the period of time in which no person who is listed on the application pursuant to subsection (1) or (5) of Section 6.106.050(A) may have been convicted of a felony from ten years to three years, consistent with MCRSA.
- Sections 6.106.110.C – Delete references to the sheriff.
- Section 6.106.150 – Delete the first sentence of the section which states, “Nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §§ 801 et seq. or to license any activity that is prohibited under said Act except as mandated by state law; and”

Dispensary Ordinance

- Section 6.108.030.D – Consider options for regulating the siting of dispensaries in the East County to ensure that the two dispensaries are not clustered close together and in close proximity to the City of Livermore.
- Section 6.108.030.E.2 – Do not add “places of worship” to the list of uses from which dispensaries are required to locate a distance of at least 1,000 feet.
- Section 6.108.060.A.2 – Address concern that social security numbers on applications could be subject to disclosure pursuant to the California Public Records Act.
- Sections 6.108.060.C & 6.108.065.D – Remove references to the California Public Records Act.
- Sections 6.108.100.A.4, 6.108.120.A.12, & 6.108.125.A.10 – Change the period of time in which no person who is listed on the application pursuant to subsection (1) or (5) of Section 6.106.050(A) may have been convicted of a felony from ten years to three years, consistent with MCRSA.
- Sections 6.108.110.C, 6.108.120.A.11, 6.108.120.D, 6.108.125.A.9, & 6.108.160.A – Delete references to the sheriff.

- Section 6.108.120.4 – Revise language to clarify that the sale of clones would be allowed at dispensaries. Selling clones would not be considered a “nursery” or “cultivation” land use type.
- Section 6.108.120.4 – Remove 100-pound limit on the amount of cannabis allowed on the premises of a dispensary.
- Section 6.108.120.8 – Delete the first sentence which states, “No person who is less than eighteen (18) years of age may be employed or otherwise engaged in the operation of the dispensary.”
- Section 6.108.125.A.4 – Remove restriction on the amount of cannabis allowed in a delivery vehicle.
- Section 6.108.190 – Clarify language regarding misdemeanor violations.

NEXT STEPS

Staff will incorporate changes into the proposed ordinances as directed by your committee and present the revised draft ordinances at your June 5th meeting. With your concurrence, staff will then present the revised ordinances at the following public meetings to receive public input on the revisions and obtain recommendations from these bodies, with the goal of bringing the revised ordinances back to the full Board of Supervisors for consideration in September.

Board Transportation and Planning Committee	June 5, 2017
Board Transportation and Planning Committee	July TBD, 2017
Castro Valley Municipal Advisory Council	July 10, 2017
Agricultural Advisory Committee	July 25, 2017
Board Unincorporated Services Committee	July 26, 2017
Planning Commission	August 21, 2017
Board of Supervisors	September 12, 2017

Fee Study

Staff has begun working with a consultant to prepare a fee study consistent with the provisions of Proposition 26 to determine the appropriate level of fees for application review and approval for medical cannabis dispensaries and cultivation sites as well as medical cannabis delivery; and for costs associated with on-going maintenance and monitoring of these permits to fully recover the cost of County staff time to perform these functions. Staff estimates that the fee study will take four to five months to complete. After the study is completed, the Board will be asked to approve the fees.